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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 16, 1998

APPLICATION OF

XCOM TELEPHONY OF VIRGINIA, INC.

CASE NO. PUC980010

For certificates of public
convenience and necessity
to provide local exchange
telecommunications services
and intrastate interexchange
services

ORDER FOR NOTICE AND HEARING

On February 17, 1998, XCOM Telephony of Virginia, Inc. ("XCOM" or "Applicant") filed an application for certificates of public convenience and necessity ("certificates") requesting authority to provide local exchange telecommunications services throughout Virginia and authority to provide interexchange telecommunications services throughout Virginia, with interexchange rates to be determined competitively.

NOW UPON CONSIDERATION of the filing the Commission is of the opinion that XCOM's application should be docketed; that the Applicant should give notice to the public of its application; that the Commission Staff should conduct an investigation into the reasonableness of the application and present its findings in a Staff report; and that a public hearing should be convened to receive evidence relevant to XCOM's application for a certificate to provide local exchange service, and if substantive objections

are received, evidence shall be received at the public hearing with regard to XCOM's application for a certificate to provide interexchange service.

Accordingly, IT IS THEREFORE ORDERED THAT:

(1) This case is docketed and assigned Case No. PUC980010.

(2) A public hearing for the purpose of receiving evidence relevant to XCOM's application is scheduled for April 29, 1998, at 10:00 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia. If substantive objections to XCOM's application for a certificate to provide interexchange services are received on or before April 10, 1998, the Commission will also hear evidence on this issue at the April 29, 1998, public hearing. If no such substantive objections are received on or before April 10, 1998, the Commission may grant XCOM's requested certificate to provide interexchange services without conducting a hearing.

(3) On or before March 27, 1998, the Applicant shall complete publication of the following notice, which may be published as classified advertising, in newspapers having general circulation throughout the Applicant's proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION BY
XCOM TELEPHONY OF VIRGINIA, INC., FOR
CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE LOCAL EXCHANGE AND
INTEREXCHANGE TELECOMMUNICATIONS SERVICES
THROUGHOUT THE COMMONWEALTH OF VIRGINIA,
CASE NO. PUC980010

On February 17, 1998, XCOM Telephony of Virginia, Inc. ("XCOM" or "Applicant") filed an application for certificates of public convenience and necessity ("certificates")

requesting authority to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia.

A public hearing on XCOM's application will be convened on April 29, 1998, at 10:00 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia, to hear evidence relevant to its application for a certificate to provide local exchange service. The Commission will hear evidence on XCOM's application for a certificate to provide interexchange service at the April 29, 1998, public hearing only if substantive objections to this portion of the application are filed on or before April 10, 1998. If no such substantive objections are received, the Commission may grant the certificate to provide interexchange service without a hearing.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m. in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, or can be ordered from XCOM's counsel, Russell M. Blau, Esquire, and Kimberly Rosenthal, Esquire, Swidler & Berlin, 3000 K Street, N.W., Suite 300, Washington, D.C. 20007-5116.

Any person desiring to comment in writing on XCOM's application for a certificate to provide local exchange service or interexchange service, may do so by directing such comments on or before April 10, 1998, to the Clerk of the Commission at the address listed below. Written comments must refer to Case No. PUC980010.

Any person desiring to make a statement at the public hearing concerning XCOM's application need only appear in the Commission's second floor courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself as a public witness to the Commission's Bailiff.

Any person who expects to submit evidence, cross-examine witnesses, or

otherwise participate in the proceedings as a Protestant pursuant to Rule 4:6 of the Commission's Rules of Practice and Procedure should promptly obtain a copy of the Order for Notice and Hearing from the Clerk of the Commission for full details of the procedural schedule and instructions on participation.

Individuals with disabilities who require an accommodation to participate in the hearing may contact the Commission at least seven (7) days before the scheduled hearing date at 1-800-552-7945 (voice) or 1-804-371-9206 (TDD).

All written communications to the Commission concerning XCOM's application should be directed to William J. Bridge, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and should refer to Case No. PUC980010.

XCOM TELEPHONY OF VIRGINIA, INC.

(4) On or before March 27, 1998, Applicant shall give notice of its application to each local exchange and interexchange carrier certificated in Virginia by personal delivery or by first-class mail, postage prepaid, to the customary place of business or residence of the person served. Listings of all current local exchange and interexchange carriers are attached as Appendices A and B, respectively.

(5) On or before March 30, 1998, the Applicant shall prefile with the Commission an original and fifteen (15) copies of any additional direct testimony it intends to present at the public hearing. Copies shall also be served on any person who files a Notice of Protest.

(6) Any person desiring to comment in writing on XCOM's application may do so by directing such comments on or before

April 10, 1998, to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218.

Comments must refer to Case No. PUC980010. Any person desiring to make a statement at the public hearing concerning the application need only appear in the Commission's second floor courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself to the Bailiff as a public witness.

(7) On or before April 10, 1998, any person desiring to participate as a Protestant as defined in Rule 4:6 of the Commission's Rules of Practice and Procedure ("Rules") shall file an original and fifteen (15) copies of a Notice of Protest as provided in Rule 5:16(a) and shall serve a copy of the same on XCOM's counsel, Russell M. Blau, Esquire, and Kimberly Rosenthal, Esquire, Swidler & Berlin, 3000 K Street, N.W., Suite 300, Washington, D.C. 20007-5116.

(8) On or before April 10, 1998, any person wishing to lodge an objection to XCOM's application for a certificate to provide interexchange service shall file an original and fifteen (15) copies of its objection in writing to William J. Bridge, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Written objections shall refer to Case No. PUC980010 and shall state with specificity why a hearing is necessary. If substantive objections are received, the Commission will hear evidence relevant to this portion of the application at the April 29, 1998, public hearing.

(9) Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Protestant pursuant to Rule 4:6 shall file on or before April 13, 1998, an original and fifteen (15) copies of its Protest with the Clerk of the Commission at the address listed above, referring to Case No. PUC980010, and shall on the same day mail a copy thereof to XCOM's counsel at the address set forth above, and to any other Protestants. The Protest shall set forth (i) a precise statement of the interest of the Protestant in the proceeding; (ii) a full and clear statement of the facts which the Protestant is prepared to prove by competent evidence; and (iii) a statement of the specific relief sought and the legal basis therefor. Any corporate entity that wishes to submit evidence, cross-examine witnesses, or otherwise participate as a Protestant must be represented by legal counsel in accordance with the requirement of Rule 4:8 of the Commission's Rules.

(10) On or before April 13, 1998, each Protestant shall file with the Clerk of the Commission an original and fifteen (15) copies of the prepared testimony and exhibits the Protestant intends to present at the hearing, and shall on the same day, mail a copy of the same to counsel for XCOM and other Protestants. Service upon counsel for XCOM shall be made at the address set forth above.

(11) The Commission Staff shall analyze the reasonableness of XCOM's application and present its findings and recommendations in a Staff Report to be filed on or before April 17, 1998.

(12) On or before April 17, 1998, if necessary, the Commission Staff may file with the Clerk of the Commission an original and fifteen (15) copies of any prepared testimony and exhibits it intends to present at the public hearing. A copy of the Staff's direct testimony shall be mailed to the counsel for the Applicant and to each Protestant.

(13) On or before April 22, 1998, the Applicant shall file with the Clerk of the Commission an original and fifteen (15) copies of any testimony it expects to introduce in rebuttal to any direct prefiled testimony of Staff and Protestants. A copy of the rebuttal testimony shall be mailed to Staff and each Protestant by overnight delivery.

(14) At the commencement of the hearing scheduled herein XCOM shall provide to the Commission proof of the notice and service required by ordering paragraphs (3) and (4) herein.

(15) The Applicant shall respond to written interrogatories or data requests within ten (10) business days after the receipt of the same. Protestants shall provide to the Applicant, other Protestants and Staff any workpapers or documents used in preparation of their prefiled testimony, promptly upon request. Except as so modified, discovery shall be in accordance with Part VI of the Rules.